IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21729 of 2004

Between:

Vemuri Venkata Subba Rao, S/o. Venkateswarlu,
Kolachanakota(V), Maddipadu Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District. Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Maddipadu Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the order of the Joint Collector, Prakasam District, Ongole in Rc.C82/4596/2004, dated 22-11-204 as illegal, arbitrary and void and violation of Art 14,19 and 21 of the constitution of Indla and the provisions of A.P. State Public distribution system control order 2001 and consequently to direct the respondents that the petitioner be entitled to function as the Fair Price Shop Dealer of Kolachanakota Village, Maddipadu Mandal, Prakasam District.

Counsel for the Petitioner: MR.I.GOPAL REDDY

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The petitioner was appointed as a Fair Price Shop Dealer for Kolachanakota Village, Maddipadu Mandal, Prakasam District, about twenty five years back. On the basis of certain allegations made by the Villagers, his authorization was suspended by the 2nd respondent through proceedings, dated 14.10.2004. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent together with an application for grant of stay. Through order, dated 22.11.2004, 1st respondent rejected the stay application. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the order of suspension, dated 14.10.2004, passed by the 2nd respondent, discloses that certain allegations are made against the petitioner as to the running of the fair price shop. The truth or otherwise of the same, needs to be considered at the enquiry in the proceedings that would be taken up by the 2nd respondent, for cancellation of the dealership.

Petitioner availed the statutory remedy of appeal. The concerned Control Order empowers the appellate authority to pass interim orders. Such a power has to be exercised reasonably, and where the appellate authority is not satisfied with the plea for grant of interim orders, semblance of reasons need to be stated. In the order, dated 22.11.2004, except stating that the application for stay is rejected, nothing is stated. Therefore, it cannot be said that the stay application was considered objectively.

Having regard to the fact that the petitioner was continuing as dealer for the past quarter century and having regard to the fact that no serious allegations of great magnitude are made against him, he deserves to be granted stay, pending disposal

of the appeal by the 1st respondent.

The writ petition is accordingly disposed of directing that the order, dated 14.10.2004, passed by the 2nd respondent shall stand stayed, pending disposal of the appeal by the 1st respondent. The appeal shall be disposed of, as early as possible, not later than four months, from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 26th November, 2004

Note: Furnish copy by

27.11.2004

(B/o.)

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To

1 The Joint Collector, Prakasam District. Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Maddipadu Mandal, Prakasam District.

4 2 CCs to G.P for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

5 2 CD copies